IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY , THE TENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 22748 of 2004

Between:

SMT. Y.V.S. JYOTHIRAMANI, HIMAYATSAGAR, HYD.

..... PETITIONER

AND

1 S.M.D.Usman Basha, S/o. Late S.A.Sattar Saheb,
A.P. Police Academy, Hyderabad.
2 The Govt of A.P., rep. by its Principal Secretary,
Home Department, Secretariat, Hyd.
3 The Director, A.P. Police Academy, Himayatsagar, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ order or direction more particularly on in the natue of writ of Mandamus setting aside the orders dt. 25.11.2004 passed by the A.P. Admn Tribunal in O.IA.No.6340/2004 filed by the first respondent as illegal, arbitrary, violation of articles 14, 16 and 21 of the cosntitution of India and pass such other order or further orders.

Counsel for the Petitioner: MR.C.SRINIVASA BABA

Counsel for the Respondent No.1: Mr. P. Naveen Rao

Counsel for the Respondent Nos.2 & 3: GP FOR SERVICES I

The Court made the following :

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ORAL ORDER: (By GB.J.)

The Writ Petition is filed assailing the order passed by A.P. Administrative Tribunal (for short Tribunal) in O.A.No.6401 of 2004, dated 25.11.2004.

The petitioner herein is 4th respondent in the above OA. The applicant therein challenged the order of his reversion dated 10.11.2004. The Tribunal disposed of the above OA directing the applicant therein to file an appeal before the Government and in the same order the order reversion was suspended. T is also seen that the Tribunal has also touched upon the merits of the case in respect of the applicant as well as 4th respondent. Aggrieved by the said order, the 4th respondent therein filed the present Writ Petition stating that the order was passed to her detriment without hearing her and therefore it is liable to be set aside.

We have also heard Mr.P.Naveen Rao, learned counsel for 1st respondent and the learned Government Pleader for Services-I for respondents 2 and 3.

Inasmuch the order relating to the 4th respondent is concerned, the Tribunal has suspended the order with which we are not concerned in this Writ Petition. The direction as given by the Tribunal to the applicant therein was only to file an appeal, which does not in any way affect the petitioner herein. However, we find that the Tribunal has made certain observations which may tend to prejudice the case of the writ petitioner. Under those circumstances we clarify that the appeal filed by the applicant in the above OA may be disposed of by the Government in accordance with law without taking into consideration the observations or findings recorded by the Tribunal. We also made it clear that as the reversion order as far as the applicant in the above OA is concerned is

suspended, status quo with regard to the position of the writ petitioner shall be maintained pending disposal of the appeal by the Government.

The Writ Petition is disposed of with the above observations. No costs.

(G.BIKSHAPATHY, J.)

10th December, 2004.

(P.S.NARAYANA, J.)

SSR

Issue copy in two days.

(BO)

To

1 Principal Secretary, Government of A.P., Home Department, Secretariat, Home Department, Secretariat, Hyderabad.
2 The Director, A.P Police Academy, Himayatsagar, Hyderabad.

3 The Registrar, A.P. Administrative Tribunal, Hyderabad.

4 2CCs to G.P. for Services-I, High Court of A.P. Hyderabad. (OUT)

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